

REMARKS

This is a response to the Office Action of March 13, 2007 suspending prosecution of the above captioned application for three (3) months. Further, this is a response to the Final Office Action of December 6, 2006. In the Final Office Action of December 6, 2006, the Examiner rejected Claims 1-45 and 50-55 under 35 U.S.C. § 112, second paragraph, as being indefinite. Further, Claims 1-55 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,627,759 ("Bearden et al.").

On December 7, 2006, a telephonic interview was held between the undersigned and Examiner Edward Raymond. Examiner Raymond suggested re-submitting the prior arguments to the outstanding rejections along with a renewed request to suspend prosecution for three (3) months. Subsequent to this interview, a three month suspension of prosecution was granted on March 13, 2007.

The rejections from the Final Office Action of December 6, 2006 are discussed below in connection with the various claims. With this response, new claims 56-59 have been added for the purpose of interference in view of the amendments made to the claims of U.S. Patent No. 6,751,563 during reexamination, Reexamination Control No. 90/007,227, and subsequently confirmed by the reexamination Examiner as being patentable on December 26, 2006. A Second Supplemental Notice of Copying Claims Under 37 CFR § 1.604 is also included herewith.

No new matter has been added. Reconsideration of the application is respectfully requested in light of the following remarks.

Claims 1-45 and 50-55 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner contends that "[t]here is no link between what the sampled data is used for and how the means for interfacing with an external network is accomplished" implying that the Examiner is interpreting the "means for interfacing with an external network" as a further limitation of the claimed "means for performing." Applicants submit, however, that the language "converting said calculations and said digitally sampled voltage and current into at least one network protocol" of claim 1, and similar language of claims 6, 10, 15, 19, 24, and 50-53 is a further limitation of the claimed "means for performing." Further, the subsequent recitation of a

“means for interfacing with an external network” is an additional limitation of the claimed electric power meter. Accordingly, these limitations are definite. In addition, these claims are substantially similar and, in particular with regards to claims 50-53, include claims which were copied from U.S. Patent No. 6,751,563 (“Spanier”) for the purposes of interference. To the extent that these claims are indefinite, so are the claims of Spanier. Further, claims 50-53, as they appear in Spanier, have been reexamined in Re-examination Serial No. 90/007,227 (the “227 Re-exam”), in which there has been multiple substantive office actions, and these claims have not been rejected under 35 U.S.C. § 112, second paragraph. Accordingly, Applicants submit that these claims are not indefinite.

Further, claims 1-55 were rejected under 35 U.S.C. § 102(b) as being anticipated by Bearden. These claims are substantially similar and, in particular with regards to claims 50-53, include claims which were copied from Spanier for the purposes of interference. To the extent that these claims are anticipated, so are the claims of Spanier. Accordingly, Applicants submit that these claims are not anticipated.

Further, the Applicants’ adopt the reasoning of the Examiner in ‘227 Re-exam. In particular, according to that Examiner, Bearden teaches memory 131 for storing signal representative of the undesired variations in the received voltage signal and the power usage (column 9, lines 25-27, lines 35-38 and column 12, lines 18-27).

Independent claims 19, 24, 52 and 53 require a memory for storing network protocol conversion algorithm. According to the Examiner, as known by a person skilled in the art, a memory which stores a network protocol conversion algorithm structure is different from a memory which stores data representative of the undesired variations in the received voltage signal and the power usage. Therefore, claims 19, 24, 52, and 53 are not anticipated by Bearden. Because claims 20-23 and 25-45, depend on claims 19 and 24 respectively and therefore contain all the limitations of claims 19 and 24, claims 20-23 and 25-45 are not anticipated by Bearden.

Similarly, independent claims 1, 6, 10, 15, 50 and 51 require a memory for storing digitally sampled voltage and current. According to the Examiner, as known by a person skilled in the art, a memory which stores sampled voltage and current is different from a memory which stores the undesired variations in the received voltage signal and the power usage. Therefore, claims 1, 6,

10, 15, 50 and 51 are not anticipated by Bearden. Because claims 2-5, 7-9, 11-14, 54, 16-18, and 55 depend on claims 1, 6, 10, and 15 respectively and therefore contain all the limitations of claims 1, 6, 10, and 15, claims 2-5, 7-9, 11-14, 54, 16-18, and 55 are not anticipated by Bearden.

Further, while the Examiner in the '227 Re-exam did not specifically address claims similar to independent claims 46 and 48, independent claims 46 and 48 require a memory operative to store electrical parameters. Similar to the claims above, a memory which stores electrical parameters is different from a memory which stores the undesired variations in the received voltage signal and the power usage. Therefore claims 46 and 48 are not anticipated by Bearden. Because claims 47 and 49 depend on claims 46 and 48 respectively and therefore contain all of the limitations of claims 46 and 48, claims 47 and 49 are not anticipated by Bearden.

For at least these reasons, the pending claims are not indefinite and are not anticipated by Bearden et al. Accordingly, Applicants request that the Examiner withdraw these rejections of the pending claims.

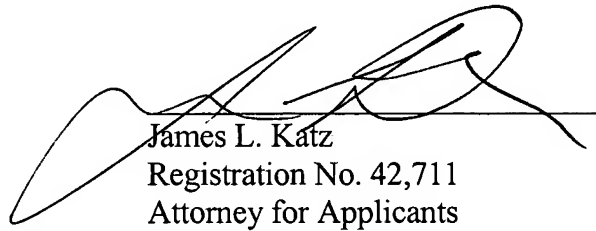
New claims 56-59 should be allowed for the same reasons as noted above. Further, claims 56-59 are substantially similar to claims 4, 5, 10 and 11 which have been confirmed as patentable by the Examiner in the '227 Re-exam.

CONCLUSION

Each of the rejections in the Final Office Action of December 6, 2006 has been addressed and no new matter has been added. Applicants submit that all of the pending claims are in condition for allowance and notice to this effect is respectfully requested. The Examiner is invited to call the undersigned if it would expedite the prosecution of this application.

Respectfully submitted,

Date: June 12, 2007


James L. Katz
Registration No. 42,711
Attorney for Applicants

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200



BHGL Case No. 6270/131

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Bryan J. Gilbert et al.)	
)	Examiner: E. Raymond
Serial No. 10/712,960)	
)	Group Art Unit No. 2857
Filing Date: November 13, 2003)	
)	
For INTELLIGENT ELECTRONIC)	
DEVICE HAVING NETWORK)	
ACCESS)	

**NOTICE OF COPYING OF CLAIMS UNDER 37 C.F.R. § 1.604
SECOND SUPPLEMENTAL**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.604, Applicants hereby notify the Examiner that, in the above captioned patent application filed November 13, 2003 and the Response and Amendment filed herewith, Applicants have substantially copied claims from U.S. Patent No. 6,751,563 issued on June 15, 2004 and as amended on December 4, 2006 during reexamination, for the purpose of interference. U.S. Patent No. 6,751,563 is currently subject to a reexamination proceeding, Reexamination Control No. 90/007,227, in which a Notice of Intent to Issue Ex Parte Reexamination Certificate was entered on December 26, 2006 indicating that the claims as amended were confirmed as patentable. As of the mailing date of this Notice of Copying Claims, a Reexamination Certificate has not yet been issued officially amending the claims of U.S. Patent No. 6,751,563.

The Patentee, during the reexamination proceeding, filed an amendment to the granted claims on December 4, 2006, the amended claims being subsequently confirmed by the Examiner on December 26, 2006. The accompanying Response and Amendment to the

above captioned patent application copies these amendments as discussed below. As the Reexamination Certificate has not yet been issued, Applicants maintain their original counts 1-4 relating to the claims of U.S. Patent No. 6,751,563 as granted and herein have added additional counts 5-8 addressing the claims of U.S. Patent No. 6,751,563 as amended during the reexamination proceeding. Assuming that the Reexamination Certificate is issued, counts 1-4 may be ignored in favor of counts 5-8 for the purposes of determining whether or not to declare an interference.

Pursuant to 37 C.F.R. § 1.604(a)(1), Applicants herein suggest the following counts:

Count 1

50. An electric power meter, comprising:
- a digital sampler for digitally sampling voltage and current;
 - a memory for storing said digitally sampled voltage and current;
 - at least one processor for performing power calculations on said digitally sampled voltage and current, and converting said calculations and said digitally sampled voltage and current into at least one network protocol, said at least one processor being configured to simultaneously execute a plurality of different tasks related to said stored voltage and current in response to a plurality of concurrent requests related to results of said different tasks and submitted by multiple users; and
 - a network interface for interfacing with an external network;
- wherein said network protocol is one of e-mail, File Transfer Protocol (FTP), Hypertext Transfer Protocol (HTTP) or Dynamic Host Configuration Protocol (DHCP).

Pursuant to 37 C.F.R. § 1.604(a)(2), this claim substantially corresponds to claim 10 of U.S. Patent No. 6,751,563 as granted. Claim 50 differs from claim 10 of U.S. Patent No. 6,751,563 by deleting three members of the Markush group, i.e. Modbus, Transmission Control Protocol (TCP) and RS-485, and the addition of one member, i.e. Hypertext Transfer Protocol (HTTP).

Count 2

51. An electric power meter, comprising:
- a digital sampler for digitally sampling voltage and current;
 - a memory for storing said digitally sampled voltage and current;
 - at least one processor for performing power calculations on said digitally sampled voltage and current, and converting said calculations and said digitally sampled voltage and current into at least one network protocol, said at least one processor being configured to simultaneously execute a plurality of different tasks related to said stored voltage and current in response to a plurality of concurrent requests related to results of said different tasks and submitted by multiple users; and
 - a network interface for interfacing with an external network;
- wherein a web server provides data to the network interface in Hypertext Markup Language (HTML) or Extensible Markup Language (XML) format.

Pursuant to 37 C.F.R. § 1.604(a)(2), this claim exactly corresponds to claim 11 of U.S. Patent No. 6,751,563 as granted.

Count 3

52. An electric power meter having a digital sampler for sampling a voltage and a current at a sampling point, comprising:
- a processor coupled to said digital sampler and configured to execute a plurality of different tasks related to said sampled voltage and current and running independently from one another in response to a plurality of concurrent requests submitted by multiple users;
 - a memory coupled to said processor for storing network protocol conversion algorithms; and
 - a network interface configured to simultaneously provide said multiple users each with a result of a respective one of said plurality of different tasks;
- wherein said processor performs at least one power calculation and

converts at least one of the sampled voltage, the sampled current and the power calculation to at least one network protocol using one of said network protocol conversion algorithms, said at least one network protocol being provided through said network interface;

wherein said network protocol is one of e-mail, File Transfer Protocol (FTP), Hypertext Transfer Protocol (HTTP) or Dynamic Host Configuration Protocol (DHCP).

Pursuant to 37 C.F.R. § 1.604(a)(2), this claim substantially corresponds to claim 4 of U.S. Patent No. 6,751,563 as granted. Claim 52 differs from claim 4 of U.S. Patent No. 6,751,563 by deleting three members of the Markush group, i.e. Modbus, Transmission Control Protocol (TCP) and RS-485, and the addition of one member, i.e. Hypertext Transfer Protocol (HTTP).

Count 4

53. An electric power meter having a digital sampler for sampling a voltage and a current at a sampling point, comprising:

a processor coupled to said digital sampler and configured to execute a plurality of different tasks related to said sampled voltage and current and running independently from one another in response to a plurality of concurrent requests submitted by multiple users;

a memory coupled to said processor for storing network protocol conversion algorithms; and

a network interface configured to simultaneously provide said multiple users each with a result of a respective one of said plurality of different tasks;

wherein said processor performs at least one power calculation and converts at least one of the sampled voltage, the sampled current and the power calculation to at least one network protocol using one of said network protocol conversion algorithms, said at least one network protocol being provided through said network interface;

wherein a web server provides data to the network interface in

Hypertext Markup Language (HTML) or Extensible Markup Language (XML) format.

Pursuant to 37 C.F.R. § 1.604(a)(2), this claim exactly corresponds to claim 5 of U.S. Patent No. 6,751,563 as granted.

Count 5

56. An electric power meter, comprising:
- a digital sampler for digitally sampling voltage and current;
 - a memory for storing said digitally sampled voltage and current;
 - at least one processor for performing power calculations on said digitally sampled voltage and current, and converting said calculations and said digitally sampled voltage and current into at least one network protocol, said at least one processor being configured to simultaneously execute a plurality of different tasks related to said stored voltage and current in response to a plurality of concurrent requests related to results of said different tasks and submitted by multiple users;
 - a network interface for interfacing with an external network;
 - an external device interface for connecting an external device to said electric power meter, wherein said external device transmits packet data to said electric power meter to be processed by the processor and provided through said network interface; and
 - further wherein said network protocol is one of e-mail, File Transfer Protocol (FTP), Hypertext Transfer Protocol (HTTP) or Dynamic Host Configuration Protocol (DHCP).

Pursuant to 37 C.F.R. § 1.604(a)(2), this claim substantially corresponds to claim 10 of U.S. Patent No. 6,751,563 as amended subsequent to grant by the Applicants' December 4, 2006 amendment during the reexamination proceeding. Claim 56 differs from claim 10 of U.S. Patent No. 6,751,563 by deleting three members of the Markush group, i.e. Modbus, Transmission Control Protocol (TCP) and RS-485, and the addition of one member, i.e. Hypertext Transfer Protocol (HTTP).

Count 6

57. An electric power meter, comprising:
- a digital sampler for digitally sampling voltage and current;
 - a memory for storing said digitally sampled voltage and current;
 - at least one processor for performing power calculations on said digitally sampled voltage and current, and converting said calculations and said digitally sampled voltage and current into at least one network protocol, said at least one processor being configured to simultaneously execute a plurality of different tasks related to said stored voltage and current in response to a plurality of concurrent requests related to results of said different tasks and submitted by multiple users;
 - a network interface for interfacing with an external network;
 - an external device interface for connecting an external device to said electric power meter, wherein said external device transmits packet data to said electric power meter to be processed by the processor and provided through said network interface; and
 - further wherein a web server provides data to the network interface in Hypertext Markup Language (HTML) or Extensible Markup Language (XML) format.

Pursuant to 37 C.F.R. § 1.604(a)(2), this claim exactly corresponds to claim 11 of U.S. Patent No. 6,751,563 as amended subsequent to grant by the Applicants' December 4, 2006 amendment during the reexamination proceeding.

Count 7

58. An electric power meter having a digital sampler for sampling a voltage and a current at a sampling point, comprising:
- a processor coupled to said digital sampler and configured to execute a plurality of different tasks related to said sampled voltage and current and running independently from one another in response to a plurality of concurrent requests submitted by multiple users;

a memory coupled to said processor for storing network protocol conversion algorithms;

a network interface configured to simultaneously provide said multiple users each with a result of a respective one of said plurality of different tasks; and

an external device interface for connecting an external device to said electric power meter;

wherein said processor performs at least one power calculation and converts at least one of the sampled voltage, the sampled current and the power calculation to at least one network protocol using one of said network protocol conversion algorithms, said at least one network protocol being provided through said network interface;

wherein said at least one external device transmits packet data related to said power quality data to said multiple users through said network interface, said processor being operative to email alarms in response to meeting predefined conditions; and

further wherein said network protocol is one of e-mail, File Transfer Protocol (FTP), Hypertext Transfer Protocol (HTTP) or Dynamic Host Configuration Protocol (DHCP).

Pursuant to 37 C.F.R. § 1.604(a)(2), this claim substantially corresponds to claim 4 of U.S. Patent No. 6,751,563 as amended subsequent to grant by the Applicants' December 4, 2006 amendment during the reexamination proceeding. Claim 58 differs from claim 4 of U.S. Patent No. 6,751,563 by deleting three members of the Markush group, i.e. Modbus, Transmission Control Protocol (TCP) and RS-485, and the addition of one member, i.e. Hypertext Transfer Protocol (HTTP).

Count 8

59. An electric power meter having a digital sampler for sampling a voltage and a current at a sampling point, comprising:

a processor coupled to said digital sampler and configured to execute a

plurality of different tasks related to said sampled voltage and current and running independently from one another in response to a plurality of concurrent requests submitted by multiple users;

a memory coupled to said processor for storing network protocol conversion algorithms;

a network interface configured to simultaneously provide said multiple users each with a result of a respective one of said plurality of different tasks; and

an external device interface for connecting an external device to said electric power meter;

wherein said processor performs at least one power calculation and converts at least one of the sampled voltage, the sampled current and the power calculation to at least one network protocol using one of said network protocol conversion algorithms, said at least one network protocol being provided through said network interface;

wherein said at least one external device transmits packet data related to said power quality data to said multiple users through said network interface, said processor being operative to email alarms in response to meeting predefined conditions; and

further wherein a web server provides data to the network interface in Hypertext Markup Language (HTML) or Extensible Markup Language (XML) format.

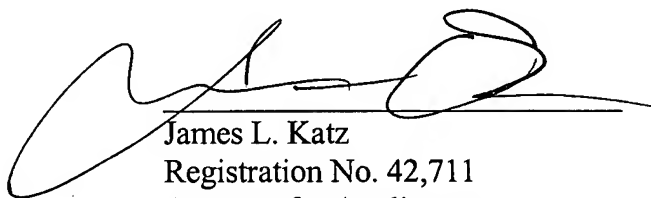
Pursuant to 37 C.F.R. § 1.604(a)(2), this claim exactly corresponds to claim 5 of U.S. Patent No. 6,751,563 as amended subsequent to grant by the Applicants' December 4, 2006 amendment during the reexamination proceeding.

Accordingly, pursuant to 37 C.F.R. § 1.604(a)(3), an interference should be declared because the claims satisfy the test of two-way unpatentability in accordance with 37 C.F.R. § 1.601(n), i.e. the above claims 50 and 51 of the above captioned application would be unpatentable over corresponding claims 10 and 11 as granted in U.S. Patent No.

6,751,563 if the inventors thereof are determined to be the prior inventor and claims 10 and 11 as granted in U.S. Patent No. 6,751,563 would be unpatentable over the above claims 50 and 51 of the above captioned application otherwise; and further the above claims 52 and 53 of the above captioned application would be unpatentable over corresponding claims 4 and 5, as granted in U.S. Patent No. 6,751,563 if the inventors thereof are determined to be the prior inventor and claims 4 and 5 as granted in U.S. Patent No. 6,751,563 would be unpatentable over the above claims 52 and 53 of the above captioned application otherwise.

In addition, pursuant to 37 C.F.R. § 1.604(a)(3), an interference should be declared because the claims satisfy the test of two-way unpatentability in accordance with 37 C.F.R. § 1.601(n), i.e. the above claims 56 and 57 of the above captioned application would be unpatentable over corresponding claims 10 and 11 as confirmed in the reexamination of U.S. Patent No. 6,751,563 if the inventors thereof are determined to be the prior inventor and claims 10 and 11 as confirmed in the reexamination of U.S. Patent No. 6,751,563 would be unpatentable over the above claims 56 and 57 of the above captioned application otherwise; and further the above claims 58 and 59 of the above captioned application would be unpatentable over corresponding claims 4 and 5, as confirmed in the reexamination of U.S. Patent No. 6,751,563 if the inventors thereof are determined to be the prior inventor and claims 4 and 5 as confirmed in the reexamination of U.S. Patent No. 6,751,563 would be unpatentable over the above claims 58 and 59 of the above captioned application otherwise.

Respectfully submitted,



James L. Katz
Registration No. 42,711
Attorney for Applicants

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200